IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 14 of 2006 (M/S)

Sri Pawan Kumar S/o Sri Jagir Singh,
R/o Mundai Mandi, P.O. Bajpur,
District Udham Singh Nagar. ……. Petitioner

Versus

1. State Transport Appellate Tribunal
   Dehradun, Uttaranchal.
2. Manoj Kumar S/o Sri Rajendra Kumar Agarwal,
   R/o Gandhi Nagar, P.O. Bazapur,
   District Udham Singh Nagar. ……. Respondents

Mr. S.K. Posti. Learned counsel for the petitioner.
Mr. Nand Prasad, Standing Counsel for respondent No. 1.

Hon'ble B.S. Verma, J.

1. The petitioner has filed this writ petition against the impugned order dated 19.07.2005 passed by respondent No. 1.

2. The allegation made by the petitioner is that as per the Impugned order the amendment application was allowed by respondent No. 1 without hearing the petitioner. The petitioner contends that he has not been given any opportunity to file objections against the amendment application and that, without inviting any objections from the petitioner, the application was allowed by the learned Tribunal.

3. From the impugned order, it is clear that the counsel for the petitioner was present at the time of hearing and the order was passed after hearing both the counsel on the amendment application 44 K. Hence, the order dated 19.07.2005 cannot be said to be an ex-parte order. if the petitioner has any grievance against the said order dated 19.07.2005, he may move the recall application before the learned Tribunal for recall of the said order.

4. Hence, the writ order is disposed of with a direction that if the petitioner moves an application for recalling the order dated 19.07.2005, the learned Tribunal shall dispose of such application, as expeditiously as possible and preferably within two weeks from the

date of filing of such application, after hearing the petitioner on merits.

(B.S. Verma, J.)
12.01.2006

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